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Does the Year Bear Good Signs?

Igor Botan, 10 January 2005

On Christmas Eve, December 24, 2004, the Parliament adopted the decision No. 444-XV setting the day of parliamentary elections. Organizing elections on March 6 is in full accordance with the provisions of the constitution of the Republic of Moldova (RM), of the electoral code and of a series of decisions of the Constitutional Court regarding the expiration of the mandate of the parliament and organization of elections of the new parliament. It is remarkable that the provisions of the law No. 1234-XIV regarding the procedure of electing the president of RM were also taken into consideration, so that, theoretically, the new head of state can be elected by the Parliament before the expiration on April 8 of the mandate of the present President.

Another event that enjoyed positive comments from the media was the Appeal of the President of RM Vladimir Voronin to the Council of Observers of the National Public Institution of the Audiovisual the Company "Teleradio-Moldova", in which he required from this body to adopt measures to "exclude the wrong or biased interpretation of any information about the present activity of the power". Finally, the speech of the president Voronin in the autumn-winter session of the Parliament, , set common guide-marks for the power and the opposition: ensuring in 2005 elections which will express the real will of people: united movement towards European principles; Achievement of the Strategy for Economic Development and Poverty Reduction; country modernization in order to obtain the statute of associated member and then of the member of the European Union.

At the first sight, the three events mentioned above, preceding the beginning of the electoral campaign, show the fact that there are positive tendencies in Moldovan politics. There is no doubt that any political force of opposition with a certain weight in RM except the Union of the Citizens "Patria-Rodina", promoting a policy of exclusive integration with Russia, can subscribe to the principles listed by the head of the state.

However, the positive character of the above mentioned tendencies must not be exaggerated. Firstly, it seems obvious that the positive tendencies are rather a manifestation of the " survival instinct" of the power. The "pragmatic wing" of the governing party decided, probably, to surrender to the danger of what the head of the state called the "epidemics" that affected Georgia and Ukraine. Secondly, the so-called pragmatists in the governing party understood, probably, that they cannot totally ignore the urgings of international democratic institutions and those of the leaders of the most influent democracies to organize free and fair elections. Finally, the main opposition forces - the Popular Christian Democratic Party (PCDP), the Block "Moldova Democrata" ("Democratic Moldova") (BDM) and the Social Democratic Party (SDP) conveyed very clear messages to the government that they do not believe in their good intentions.

Thus, after adopting on December 15, 2004 the decision regarding the electoral color, the Permanent Bureau of PCDP sent the following message to everyone: "The orange color became already the sign of benefic innovations in our region. After Romania and Ukraine, the Republic of Moldova is the country that must feel the strong impact

of the CHANGE, a change marked by the ORANGE color." In his turn, BDM organized a series of manifestations of block inauguration during which it accused the present power of promoting a dictatorial policy, of intimidating the opposition, warning them that the justice system will have them pay for the committed abuses. Finally, the electoral campaign began with a scandal related to the fact that SDP attacked in the Supreme Court of Justice the decision of the Central Electoral Committee (CEC) of December 26, 2004, establishing the date, place and time for submission of the documents by potential electoral competitors. PSD accused CEC and the governing party of violating the legislation and falsifying elections, since according to the article 44(2) of the Electoral Code the information regarding the place and the time for receiving documents from the electoral competitors "is made public within 2 days after the beginning of the period of candidates' appointment". The reasons given by the SDP are based on article 1 of the Electoral Code according to which "the electoral period" begins "on the day when the date of elections is made public", supposing that it means the day when the decision of the Parliament enters into force, i.e. the day when this decision is published in Monitorul Oficial (Official Monitor).

Actually, the essence of the accusations brought by SDP to the government is reduced to the fact that they manipulated a series of events in order to ensure the registration of the governing party as the first electoral competitor, which, according to article 48(3) of the electoral Code means that this party will be listed first in the ballots too.

Indeed, without consulting the other parliament parties in advance, the majority party in the parliament only in the second half of the day of December 24 stated the intention to put the draft decision regarding the date for the organization of parliamentary elections on the agenda of the plenary session that very day. In the opinion of the Popular Christian Democratic Party, by doing this, the majority party violated a series of articles from chapters 1 and 2 of Title II of the Parliament Regulations regarding the agenda and the legislative procedure. Moreover, this decision was voted by the majority in the parliament, despite the fact that the article 2 of it provided that "the decision enters into force on the day when it is adopted", which contradicts the law No. 173-XIII on 6.07.1994 on publication and enforcement of official documents. The majority party did not take into consideration the decision No. 20 of 20.04.1999 which stipulates that "according to article 1 par. (4) of the law mentioned above, the decisions of the parliament enter into force: on the day they are published in the Official Monitor or on the day mentioned in the text (i.e. on the day of their publishing or eventual date provided by the legislative). The official documents entering into force on the day provided in the text are published in the official Monitor within 10 days since its adoption." Next day after the adoption of the decision regarding the elections day the governing party summoned the Plenary Session of the Central Committee during which it adopted the list of candidates and after two days, on December 26, 2004, CEC called a meeting during which it adopted the decision regarding the place and the time for submitting documents of registration of electoral competitors. On the next day, on December 27, 2004, the governing party was the first to submit the necessary documents for registration to CEC as the first electoral competitor.

Thus, the article 2 of the decision of the parliament regarding its enforcement on the day of adoption mislead CEC, which could only call the meeting for the establishment of the place and the time for submission of documents according to article 25(2) providing that "CEC meetings are announced 48 hours before their organization, except the meetings during the electoral campaigns, when they must be announced in a shorter term if the issues need urgent examination".

Now the question is: what did the governing party get from these actions of taking by surprise the political opponents in order to be in the first ones in the ballots?

The answer seems to be - nothing, besides a political scandal which promises to have a high resonance damaging the image and feeding the suspicions of the opposition and of international organizations specialized in monitoring the elections, while the president of the governing party ensures the public opinion of the intention to guarantee unilaterally honest elections. The undertaken actions actually have a reversed effect.

Indeed, in the elections in 1998 the Communist party was listed first in the ballots, accumulating 30 per cent of the votes, while in 2001 it obtained 50 per cent of votes though it was the third party on the list. So, taking the opponents by surprise and chasing the first place in the ballots had no sense. Secondly, the actions of the governing party raised some delicate questions, like the one related to the violation of the provisions of the Convention regarding the standards of democratic elections, electoral rights and freedoms in the CIS countries ratified in July 2004. However it is not known if this Convention entered into force or not even after the announcement of the election date. Thus, the legislative framework ensuring the organization of elections is not clear. Thirdly, the failure to recognize the mistakes leads to other mistakes. Thus, the attempts to justify post - factum the CEC decision are not convincing anyway. In this context it is interesting that the Official Monitor No. 241, which contained the parliament decision related to the election date, issue that was supposed to be published on December 27, 2004 was distributed to the beneficiaries for free only on December 31, 2004 together with No. 242-245 of the Official Monitor. This is a fact that indicates that the issue in which the parliament decision was written post-factum, after SDP appealed to the court. Indeed, what was the point to publish on December 27 a special edition of only 18 pages of the Official Monitor, which would be distributed together with another edition of 130 pages, on December 31, while the experience shows that certain editions of official monitors have 250 pages, especially as the dates of the adoption of published documents in the two editions coincide. But it does not save the situation, as the decision of CEC regarding the time and place for submitting the documents of the electoral competitors was adopted a day before, on December 26. Fourthly, the appeal of SDP to court put the latter in an extremely delicate situation. Indeed, a court decision in favor of the governing party can have unpredictable consequences for the electoral process in the RM, while a decision to invalidate a CEC decision requires the invalidation of the decision of the Parliament regarding the setting of the elections date, as it is not clear when it was enforced.

Unfortunately, under these circumstances, CEC will be the one to bear all the shocks and will be bound to find a way to bring things to normal, which would be impossible without the involvement of the Parliament, the only body with the right to amend and interpret the normative acts. But the Parliament is in vacation until February and until then it can be summoned only in an extraordinary session. It is possible that the opposition parties will insist on an extraordinary session motivating it by the need to bring the electoral process to normal, but especially in order to obtain the largest audience to publicly accuse the governing party of acting according to the principle of the kind king Dagobert - "what do you need the power for, if you do not abuse it", as well as to remind the citizens that there are reasons to believe that in this new year the Rooster will announce the Awakening and eventually the CHANGE.

**Withdrawal of Russian Troops in the Context of CFE Adapted Treaty:
Perceptions, Interests, and the Changing Nature of European Security**
Iulian Fruntasu, PhD in Political Sciences, 18 January 2005

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Though it is not that well known to the general public, the Treaty on Conventional Forces in Europe is one of the corner-stones of European Security. During the Cold War it contributed significantly to the maintenance of European stability and security by setting up legally-binding levels for conventional armaments (five categories: tanks, armored combat vehicles, pieces of artillery caliber 100mm, combat planes and attack helicopters), their considerable reduction (altogether 59 000 units until 28.05.01, when the CFE Review Conference took place), strengthening of transparency and confidence-building by establishing the inspection regime and exchange of information, as well as setting up the special Flank regime where NATO forces and Warsaw Pact were in a closer contact - by setting up smaller number of holdings and less flexibilities. With the disappearance of Warsaw Pact and disintegration of USSR the member-States launched the process of CFE Treaty adaptation to the new political and security realities on the European continent, signing the CFE adapted Treaty on 19.11.99 during the OSCE Summit in Istanbul.

As follows, we will review the Decisions adopted during the OSCE Summit regarding Moldova, their content and nature, conflicting perceptions of parties involved when it comes to the modalities of implementation, the Russian Federation's view regarding the adapted Treaty and last but not least the perspectives of the Republic of Moldova to use this tool of European security in order to advance its national interests. Due to the lack of space, the particular elements of the adaptation process will be explained only to the extent to which these shed some light on the problems and challenges faced by the Republic of Moldova.

It should be mentioned that during the process of adaptation the Moldovan diplomacy spared considerable effort concerning the strengthening of obligation to secure the consent of host-state for the temporary deployments, looking for solution in the Treaty context to the illegal presence of Russian forces, for solution to the problem of Treaty limited equipment unaccounted for. During many years the national interests regarding CFE were promoted extremely insistent and in particular during 1999 due to the intensification of negotiations. This took place by delivering statements and speeches at the Joint Consultative Group tasked to negotiate the adaptation, by launching initiatives and draft decisions, by means of countless consultations and negotiations both in formal framework and unofficially in Vienna as well as other capitals. Taking all these into account the success of Istanbul came as no surprise to those directly involved into the process of adaptation, though it cannot be rejected a certain positive influence of international circumstances, such as the Western CFE member-States' pressure on the Russian Federation for breaching levels for holdings in the Flank Zone, in particular, in the Northern Caucasus where Russians launched operations using massively conventional armaments. Despite all that, during the last two days in Istanbul a scenario was circulated by which Moldova could had been sidelined because some important states were afraid that a fundamental decision for the European security could be blocked by a regional problem. With some nerve,

well-calculated steps, involvement of delegations from Western countries as mediators, Moldovan Delegation succeeded to finalize the negotiations with Russians around 03.00 o'clock in the morning on 19.11.99, after which followed the CFE Conference. The official ceremony of signing the Treaty by Heads of States and Governments took place at eight o'clock in the morning, only a couple of hours away from the conclusion of negotiations.

So, the Final Act, which is part of the package of understandings together with the CFE adapted Treaty¹, contains the following references to Moldova: "[Member-States] ...Have taken note of the statement by the Republic of Moldova, which is attached to this Final Act, concerning its renunciation of the right to receive a temporary deployment on its territory² and have welcomed the commitment of the Russian federation to withdraw and/or destroy Russian conventional armaments and equipment limited by the Treaty by the end of 2001, in the context of its commitment referred to in paragraph 19 of the Istanbul summit Declaration."³

Here it is important to make a distinction between the adapted Treaty which by the way contains clauses regarding the consent of host-State⁴, including the Final Act, that in turn contains very strong political commitments because they had been undertaken in the package with the adapted Treaty, and the Istanbul Summit Declaration that has a political implementation regime as any other OSCE document. On the other hand it could be argued that the cross-references between the Final Act and the Summit Declaration strengthened the mandatory nature of the latter. Istanbul Declaration says the following relevant things about Moldova in the first two paragraphs: "Recalling the decisions of the Budapest and Lisbon Summits and Oslo Ministerial Meeting, we reiterate our expectation of an early, orderly and complete withdrawal of Russian troops from Moldova. In this context, we welcome the recent progress achieved in the removal and destruction of the Russian military equipment stockpiled in the Trans-Dniestrian region of Moldova and the completion of the destruction of non-transportable ammunition. We welcome the commitment by the Russian Federation to complete withdrawal of the Russian forces from the territory of Moldova by the end of 2002. We also welcome the willingness of the Republic of Moldova and of the OSCE to facilitate this process, within their respective abilities (underlined by author to reject the Russian claim of conditionality), by the agreed deadline."⁵

The web of legal and political documents, as well as the existing relationships amongst them, convey the substance of commitments undertaken with regard to Moldova:

In package	Cross-references	
Adapted Treaty	Final Act	OSCE Summit Declaration
The consent of host State in present in several Articles.	1. Withdrawal of Russian TLE by the end of 2001. 2. Renunciation of the right to temporary deployments in the Annex 13.	Paragraph 19. The complete withdrawal of armed forces by the end of 2002. The ammunition and other armaments are not obviously in the CFE 5 categories, but these are falling under the authority of Treaty because they are in the armed forces' use and their excess is not relevant in the document's terms. This somehow tautological distinction was accepted to speed up the withdrawal of combat equipment and it explains the differences between the deadlines of 2001 and that of 2002.

Now, if we place the adapted Treaty with all its commitments in the context of European security but also in that of Russian-Moldovan relations, we see that Moscow's approaches differ depending on Russian perceptions regarding the threats and challenges it is faced with. For instance, during a high-level Conference in Munich on February 9, 2004, Sergei Ivanov, the Russian Defense Minister, declared that Russia could leave the CFE Treaty due to the fact that Baltic States are joining NATO without signing the Treaty. That obviously allows them to disregard the limits, inspection and information regimes, which in turn offers the possibility to deploy countless Alliance's equipments on the respective territories.⁶ The Russian Duma made a statement along similar lines, arguing that the integration of Baltic States into NATO creates a gray area thus Russia as a reaction could review its Istanbul commitments regarding its holdings in Kaliningrad and Pskov.⁷ All this continued until NATO offered assurances that the new member-States, including Baltic States, will follow the provisions of the CFE Treaty and Alliance's commitments in regarding Russia such as the Founding Act of Relationship between NATO and Russia, Rome Declaration and 2003 Madrid Declaration. The Russian Duma ratified the adapted Treaty (previously it was ratified by Belorussia, Ukraine and latter by Kazakhstan) on June 25, 2004⁸, and Russian Foreign Minister Lavrov, participating to the Ministerial Council in Sofia at the end on last year, was already appealing in favor of ratification

of adapted Treaty.⁹ This leads us to the conclusion that Russians exercised political pressure that turned to be a successful effort because apparently NATO offered guarantees on non-deployment of troops in new member-States that were quite credible since Moscow moved rapidly from the idea of leaving the Treaty to its ratification. In a wider context it is obvious the fact that the CFE adapted Treaty is a document that is more convenient to Russian Federation than to the Alliance because NATO anyhow was showing some sort of understanding for many years for the violation of limits in the Northern Caucasus and for Moscow's behavior in the so-called near-abroad. Currently, things are changing in the sense that the tolerance regarding the illegal presence of Russian troops is diminishing, though Moscow tries to underline the adapted Treaty provisions that are convenient to it (it was even able to extract additional guarantees from NATO, as we saw) and to downgrade its commitments regarding Moldova and Georgia, claiming either that these are political and without any deadline for implementation, or that these are bilateral with no effect on third parties.¹⁰ But if we attempt to imagine a hypothetical situation in which Poland would state that its commitment annexed to the Final Act regarding its limitation of holdings for tanks at 1 577, for armored combat vehicles at 1 789 and for pieces of artillery at 1 370 are not valid any longer because they are political, officials in the Russian Foreign Ministry and Defense would definitely hit the ceilings in their respective offices.

It is not difficult to notice that Russians manipulate the issue of CFE adapted Treaty, with some dexterity, indeed. Moscow knows very well that host-State consent was a fundamental principle during negotiations and that was dully reflected in the adapted Treaty. It knows it very well because the Russian diplomats and military were the strongest opponents that permanently were against the concept of mandatory host-State consent. Moscow knows, as well, that the Final Act political commitments are included in the package with the adapted Treaty and have a value undoubtedly superior to any other OSCE decision, that from legal point of view no decision can change the substance and terms of the Istanbul CFE Conference but another CFE Conference and that, in the end, NATO's limits of tolerance cannot be tested indefinitely by political-diplomatic challenges as those mentioned above. After all, in comparative terms it is Moscow that needs more the CFE adapted Treaty by which it could monitor the presence and movements of Alliance along its border in the circumstance when the Russian conventional armaments are downgrading and the mobility element and the air component are superior in NATO's case. It is true, indeed, that with an eventual disappearance of the CFE Treaty all sides would lose but Moscow's losses would be greater and its hectic behavior during the last half of year supports the authenticity of this assertion.

It is crucial to mention that the US position made public only one year after Istanbul Summit by Mrs. Albright at the 8th OSCE Ministerial Council in Vienna on November 27-28, 2000, that the signature of CFE adapted Treaty was a historic achievement possible, in part, because of important commitments made by the Russian Federation, is valid today as well, with modification relating to the conditionality of ratification upon the complete implementation of commitments, as stipulated by the State Secretary Colin Powell at the OSCE Ministerial Council in Sofia.¹¹ It might be true that the US and NATO generally could have their own or additional reasons to delay the ratification of adapted Treaty but we leave this subject

to Russian experts that are more willing and capable in analyzing the imaginary or real flaws of the North Atlantic Alliance.

When it comes to Moldova and the CFE adapted Treaty it is relevant to keep in mind that from the perspective of many Western chancelleries this Treaty maintains a system of relations that affects the security on the whole continent and that it solves issues much more important than the presence or withdrawal of Russian army from the Moldovan territory. This situation should keep Moldovan diplomacy on the alert and to lead to additional political and diplomatic initiatives in consultations on one hand with Washington, London and Ankara, and negotiations with Moscow on the other hand. It is not the brightest idea of self-gratification in a reduced capacity, as was shown by the 1996 Flank Agreement, to block the ratification of the adapted Treaty when this is decided by more important member-States of NATO. The following "Defense Monitor's" assertion has a high chance to become reality without serious diplomatic initiatives regarding complete withdrawal of Russian army and that of Russian separatists: "As it was with its predecessor, the adapted treaty regime will likely be plagued by illegal Russian actions in the North Caucasus and the former Soviet Socialist Republics. Moscow views noncompliance as consistent with its security interests and therefore is willing to risk ostracism while the NATO states are deterred from punishing Russia because they are not harmed by the Russian actions".¹²

Despite that, at this moment it is clear that the CFE adapted Treaty in Istanbul had a positive impact over the security of Moldova, since Russians withdrew and destroyed, on Western money, by the way, a significant part of armaments. In this context it is meaningful that Moscow keeps the military equipment involved in the so-called peace-keeping mission, hoping that these will be exempted from the CFE if its troops in Transnistria will receive an OSCE mandate. Another problem is the stock-piles of ammunition and armaments that should have been withdrawn by the end of 2002 - though this commitment is stipulated in the Istanbul Summit Declaration, these are also falling under the authority of CFE Treaty, as explained in the scheme drawn above - the distinction was made due to big numbers of armaments and desire to speed up the withdrawal of combat equipment in order to reduce the risk of transfer to the secessionists armed forces. This army, by the way, is another problem because the core of it was established in majority of cases by the deliberate and eager transfers from the 14th Army. When the constitutional authorities do not control the Treaty Limited Equipment they are called unaccounted for (UTLE). On the territory of Moldova there are 18 tanks, 49 armored combat vehicles, 32 pieces of artillery caliber 100 mm.¹³ There is an urgent need to launch diplomatic activities both within the CFE framework and using political mechanisms such as NATO-Russia Council, for instance, to ensure the complete withdrawal of Russian army and of UTLE from the occupied area the responsibility for which should be fully attributed to the Russian Federation.

The changing nature of European security requests, in particular from the states which are less important from the military and political perspectives, a foreign policy characterized by perseverance, imagination and dedication in order to advance better the national interests.

¹ In the adapted Treaty there is a reference clause that says: "Having taken note of the Final Act of the Conference of the States Parties to the Treaty on Conventional Armed Forces in Europe held in Istanbul from 17 to 19 November 1999, as well as of the statements made by certain States Parties concerning their political commitments referred to therein." OSCE, Istanbul Summit, 1999, Istanbul Document, January 2000, PCOEW389, p. 119.

² This renunciation says: "The Republic of Moldova renounces the right to receive a temporary deployment on its territory due to its Constitutional provisions which control and prohibit any presence of foreign military forces on the territory of Moldova." OSCE, Istanbul Summit, 1999, Istanbul Document, January 2000, PCOEW389, Annex 13, p. 250. The author's dilemma who, by the way, prepared and read the Statement at the CFE Conference, was the contradiction between the short-term objective (ensuring the withdrawal of Russian troops) and that of medium-term objective (joining NATO for which there is a need of temporary deployment). At that moment the first objective was more important for the Moldovan security. It is also significant and hilarious at the same time that during the negotiations in Vienna the Moldovan statement regarding the temporary deployment was received with hostility by the Russian Federation that tried to advocate the idea that we cannot renounce a right.

³ OSCE, Istanbul Summit, 1999, Istanbul Document, January 2000, PCOEW389, p. 236.

⁴ A couple of examples where is mentioned the consent of host-State. In the Preamble: "Recalling their obligation to refrain in their mutual relations, as well as in their international in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose and principles of the Charter of the United Nations". In the Article I, par.3: "Conventional armaments and equipment of a State Party in the categories limited by the Treaty shall only be present on the territory of another State Party, or a relevant resolution of the United Nations Security Council. Explicit consent must be provided in advance, and must continue to be in effect as provided for in Article XIII, paragraph 1bis". Istanbul Summit Declaration, OSCE, Istanbul Summit, 1999, Istanbul Document, January 2000, PCOEW389, pp. 119-120.

⁵ Istanbul Summit Declaration, OSCE, Istanbul Summit, 1999, Istanbul Document, January 2000, PCOEW389, pp. 48-49.

⁶ "Moscow's threat to leave treaty shocks West", Reuters, February 9, 2004.

⁷ "Заявление в связи с расширением НАТО, Государственная Дума Федерального Собрания Российской Федерации"

⁸ "Госдума ратифицировала соглашение по ДОВСЕ", Интерфакс, 25.06.04.

⁹ "Лавров призывал страны ОБСЕ ратифицировать ДОВСЕ", Интерфакс, 07.12.2004.

¹⁰ "Министр обороны РФ: Стамбульские обязательства России являются политическими и не имеют сроков", Интерлик, 13.07.04; "США обусловили ратификацию ДОВСЕ выполнением Россией Стамбульских обязательств", Интерлик, 07.12.04.

¹¹ Remarks by Secretary of State Colin L. Powell to the Ministerial Meeting of the OSCE in Sofia, 07.12.04

¹² "Russia and the CFE Treaty: The Limits of Coercion", The Defense Monitor, December 1, 2000.

¹³ Regarding the involvement of Russian armed forces in the Dniestr conflict and the number of Russian and separatists' holdings, see Mihai Gribincea, *Politica rusa a bazelor militare: Georgia si Moldova* (Civitas: Chisinau, 1999), Mihai Gribincea, *The Russian Policy on Military Bases: Georgia and Moldova* (Cogito: Oradea, 2001); for the analysis of evolution of CFE treaty limited equipment, see Iulian Fruntasu, *O istorie etnopolitica a Basarabiei, 1812-2002* (Cartier: Chisinau, 2002); for a documentary report of the armed conflict, see Anatolie Muntean si Nicolae Ciubotaru, *Razboiului de pe Nistru* (Ager-Economistul: Bucuresti, 2004); for a collection of documents regarding the conflict and the role of Russian Army, see Mihai Grecu si Anatol Taranu, *Trupele ruse in Republica Moldova, culegere de documente si materiale* (Litera: Chisinau, 2004).

A faulty start of the election campaign

Igor Botan, 18 January 2005

The fourth parliamentary election campaign has started. Interestingly enough, all the electoral campaigns for the parliamentary elections since the Republic of Moldova (RM) declared its independence were preceded by problems, including the setting of the date of elections

The date of the parliamentary elections of 27 February 1994 was set by decision no. 1608-XII on the Early Elections of the Parliament, signed by the former Speaker of the Parliament, Petru Lucinschi, on the 12th of October 1993, two days prior to the adoption of the Law 1609-XII on Parliamentary Elections, of 14 October 1993. The arguments for that were related to "the need to speed up socio- economic reforms, development of democracy and political pluralism", and also to the awareness of "establishing a professional Parliament based on the multi-party system". In other words there was a need to elect a new legislative body to substitute the Supreme Soviet of the Moldovan Soviet Socialist Republic, elected on March 10, 1990, the name of which was changed and became the Parliament of the RM.

No doubt that the former Speaker of the Parliament played a determining role in promoting the election reform in 1993, by supporting the expert group who developed a very good draft law. The only strange thing at that point was the fact that the law on parliamentary elections wasn't passed first, which would set the date of elections, according to art. 7(1) - "the date of parliamentary elections is established by decree of the President of RM." However, this aspect was not in the attention as didn't have any major impact on the elections in 1994.

The fact that setting the date of elections can be an opportunity for creating certain advantages was first noted in November 1997, when the Electoral Code was to be adopted, aimed at introducing standards in the entire electoral legislation of RM. At that time, Petru Lucinschi was already President of RM and he changed radically his opinion on the proportional election system, which he had promoted in 1993, prompting that he would not support the adoption of the Electoral Code. One of his reasons was that fact that article 76(2) of the draft Code stipulated that "the date of Parliamentary elections is established by decision of the Parliament". Therefore, on 18 November, 1997, three days before the Parliament would vote the Electoral Code, in a presidential decree no. 373-II he set the date of parliamentary election for the 22th of March 1998, based on art. 7(1) of the Law on Parliamentary Elections, of 1993.

Obviously, this caused reactions on concern and various interpretations. The Parliament passed the Electoral Code via the Law no. 1381-XIII, on 21 November, 1997, but avoided getting into conflict with the President regarding the date of the elections. Anyway, the head of the state was obliged to promulgate the Electoral Code under certain conditions stipulated in the Constitution. That particular case showed how much importance is given to the aspect of setting the date for elections by decision-makers.

The next elections which took place on 25 February 2001 were early elections, being preceded by problems which were eventually resolved by a decision (no.4 of 26 December 2000) of the Constitutional Court which determined the circumstances which justified the dissolution of the Parliament. For the third time, President Luchinschi had the right to set the date of elections, because, according to article 76(3) "in case of dissolution of the Parliament, the date of elections is established by decree of the President of the RM." The head of the state had established the date of the early parliamentary elections by decree no.1843-II of 31 December 2000, which was published in "Monitorul oficial" on the same day. It should be noted, however, that the date of coming into force of that decree was 12 January 2001, unlike previous decrees which came into force on the date of publication. This is the only case which showed that when it comes to setting the election date the interests of the contestants, electoral bodies and citizens can be taken into account. In this particular case, 12 days were left between the publication of the date of elections in "Monitorul oficial" and the coming into force of the decree, and it was the period of winter holidays, when no activities or events happen, especially electoral ones. Moreover, there were 45 days left between the coming into force of the decree and the date of early elections, which is in compliance with the Electoral Code.

It might seem that after the experience of the three election campaigns, in absolutely normal conditions, the Parliament could set the date of the upcoming elections in strict compliance with the electoral legislation of RM. But it wasn't meant to be. The main opposition parties running for parliament claim that the majority faction in Parliament breached at least 2 normative acts, when it set the date of parliamentary elections for the 6th of March, 2005, by decision no. 444-XV of 24 December, 2004, indicating that the decision was coming into force on the date of adoption, that is immediately. It was based on the Law no. 797-XIII on the Adoption of Parliament Regulation, of 2 April, 1996 and on the Law no. 173-XIII on the Publication and Coming into Force of Official Acts, of 6 July, 1994, which stipulate that official acts come into force on the date of publication or on another indicated date following the publication.

Interestingly, the decisions of the Constitutional Court no. 32 of 29 October, 1998, no. 4 of 4 February, 1999 and no. 20 of 29 April, 1999 clearly stated that normative acts (laws, Government and Parliament decisions) come into force only on the date of publication or on another set date following publication in "Monitorul Oficial". A curious thing to note is the fact that the above mentioned decisions were made on the initiative of a member of the Communist faction, Victor Cekan, and of a Cabinet member, supported by the same faction, which proves that decision no. 444-XV, which contradicts the law, was made on purpose. The purpose, obviously, was to register the Communist Party first, so that it appears first on the ballots. One can understand the fact that the Central Electoral Commission started the registration of parties on the basis of the principle of presumption of constitutionality of normative acts, unless a decision of the Constitutional Court states the contrary. What is quite difficult to understand is why the Constitutional Court refused to examine the appeal submitted by the Christian-Democratic Peoples' Party (PPCD), arguing procedural grounds, and why the Supreme Court of Justice refused to examine the appeal of the Social Democrat Party (PSD).

All these can have a negative impact on the election campaign. Apparently, the opposition parties are accumulating more and more evidences which could eventually be brought in contesting the final results of elections. Undoubtedly, the undermined access to justice during the election campaign can be regarded as a serious fault. Thus, article 7(3) of the Law no. 793-XIV of 10.02.2000 stipulates that "based on the electoral legislation the courts of justice can resolve appeals on election matters, except for those attributed by law in the competence of other courts of justice". The Electoral Code is the one such very special law, which is paramount in regulating election issues, which in article 66(3) stipulates that "appeals on actions and decisions of CEC are to be lodged at the Supreme Court of Justice". On the other hand, art. 67(5) of the Electoral Code says that "appeals lodged in courts are examined in accordance with the provisions of the Code of Civil Procedure and the Law on Administrative Procedure. This Law on Administrative Procedure in article 8(4) stipulates that "under conditions of the Electoral Code, the Chisinau Court of Appeal verifies the legality of CEC decisions related to violations of electoral legislation". As indicated above, the Electoral Code says a totally different thing. Obviously this contradiction leaves room for speculations and interpretation, thus undermining the principle of due resolution of electoral disputes. That is why the candidates in elections went to the Supreme Court of Justice and to the Court of Appeal at the same time. Although art. 34(7) of the Law of Administrative Procedure obliges the Government to prepare the necessary changes to deal with contradictions, this has not happened over the last 5 years.

The Visit of the Council of Europe Secretary General in the Republic of Moldova

19 January 2005

The Secretary General of the Council of Europe (CE) Terry Davis visited the Republic of Moldova (RM) on the 15-17 January. Terry Davis met the leadership of the country, members of the Central Electoral Commission (CEC), leaders of political parties, representatives of the media and NGOs. The purpose of the visit was to "learn about the pre-election situation in the country".

A few things about it have drawn attention: Terry Davis said he came to Chisinau on the invitation of the leadership of the country and of the political parties; he also said that the parliamentary elections due to take place on the 6th of March this year are the first elections of this kind in 2005 in the area of the Council of Europe, and therefore it will be in the limelight of the European institutions; the visit took place in weekend. The observations above prove the fact that there are serious concerns on the electoral context in the Republic of Moldova. Evidently, the leadership of the country and the political parties had invited the CE Secretary General separately. The exact sequence of events is not known, however, one could argue that concerns were signalled first and only afterwards the visit was organized through diplomatic arrangements.

The Moldovan Authorities assured Terry Davis that it is not in their interest to rig the elections and that they welcome international observers.

During the meeting of the CE Secretary General with members of the Central Electoral Commission issues were discussed such as the preparation of voter lists, ensuring the right to vote for students who study in localities others than their places of residence, of the residents of Transnistria and of the Moldovan national who are working abroad.

The Leaders of the main political parties and formations involved in the election process informed the Secretary General about what they consider abuses on the part of the government. The leader of the alliance 'Blocul Moldova Democrată' (BMD), Serafim Urechean, mentioned some violations committed by the ruling party, the Central Electoral Commission, the central administration. Urechean especially mentioned actions of intimidation by the law enforcement which are present at all the public events organized by BMD.

The leader of the Christian-Democratic Peoples' Party (PPCD), Iurie Rosca, spoke about "the illegalities done by the ruling party in the very start of the election campaign", meaning the fact that the majority faction in the parliament ignored the Regulation of the Parliament regarding the legislative initiative on establishing the date of elections, that they also ignored the legal provisions regarding the coming into force of normative acts, the refusal of the Constitutional Court to examine the notifications of the PPCD faction regarding the breaching of constitutional provisions when the Parliament adopted the decision setting the date of the elections.

The leaders of the Social Democrat Party (PSD) informed the Secretary General about the impediments of access to justice in electoral issues, as well as the shortcomings of the electoral legislation.

During the meetings with NGO representatives, the Secretary General was briefed about the monitoring of the election process, the frequency of monitoring reports and their conclusions.

The Secretary General of the CE participated in a talk-show with representatives of the media in the RM, hosted by the TV program Vector European. He said that in Great Britain, the country he comes from, he cannot tell the political preferences of the journalists who work for the public media because they cover the political events in a professional and unbiased manner. He called on Moldovan journalists to do the same. He was probably unaware that it was the fourth time in one year when they were urged to do this same thing: in March 2004, on the occasion when OSCE mission and the CE launched the "guidelines" for the coverage of events on public media channels; in July 2004 when the head of the state came up with the initiative to safeguard the democratic processes; in December 2004 when the president addressed the Public Company "Teleradio-Moldova" demanding it not to cover so extensively the achievements of the government. Perhaps this tactful allusion of the Secretary General was caused by the fact that he had been told that the "Teledadio-Moldova" journalists had on the very first day of his visit informed the people that he already had a "good impression about Moldova". At the end of Terry Davis' visit the governmental newspapers wrote: "The initiatives and actions of Moldovan authorities to organize free and fair elections are highly appraised and supported by the European institutions."

The opposition press was obviously more cautious in quoting the European official, highlighting his statement - "I repeat, I shall not take the side of any of the parties involved in the election campaign. I came to Chisinau to make sure that free and fair elections are ensured to the people of RM."

Final stage of the electoral campaign

Igor Botan, February 17, 2005

Democracy and governing in Moldova
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1. Electoral contestants

Electoral campaign has entered the final stage. CEC registered 23 electoral contestants for the parliamentary elections of March 6, 2005, out of which 11 parties/blocs and 12 independent candidates (for more details visit www.elections2005.md). As Moldova has a proportional electoral system (one country one constituency) political parties, blocs and independent candidates would all be included in the same ballot, while the voters will have to choose only one of them. Electoral contestants may back off at least 5 days prior to elections.

For the first time the successive threshold of representation would be applied in the parliamentary elections. To get elected independent candidates would have to gather 3% out of the valid votes cast, political parties - 6%, a bloc of two parties such as "Patria-Rodina" - 9%, and a bloc of three parties like Moldova Democrata Bloc - 12%. Mandates are distributed according to Victor d'Hondt method.

2. Campaigning

There are two stages of the electoral campaign. The first one commenced with setting of the election day on December 24, 2004 and ended with the registration of electoral contestants, that is 23-30 days prior to e-day. Opposition was rather passive at that stage, it mainly appealed and contested against ruling party, accusing it of abuses in public media, use of administrative resources, intimidation of opposition candidates, obstructing opposition's meetings with the voters, influencing judiciary in adjudicating electoral disputes. Many of those complaints were also covered in the monitoring reports produced by Coalition 2005 uniting 152 NGOs of Moldova (see www.elections2005.md).

The second stage started 3-4 weeks prior to e-day. It has been characterized by three factors:

- a. Under Article 47 of the Electoral Code, election debates are to be held at TV and radio stations, while TV channels are prohibited from covering "working visits" of the electoral candidates holding public office. Coverage of "working visits" of the governors was the main avenue for TV channels to promote a favourable image of the ruling party, and this not as part of air time, which was distributed quite evenly between contestants;
- b. OSCE has started its monitoring mission. As the President, also Chair of the ruling party, promised back in July 2004 to guarantee a democratic electoral process, while international institutions and western leaders have encouraged him to do so, authorities would no longer hold to the practices they used to before OSCE mission arrival;

- c. Opposition candidates have become more active only at the second stage, and this largely due to the previous two factors. Therefore they'll enjoy the level playing field for only a short while.

Three factors are relevant in assessing the potential of electoral players: a) 2003 local elections results; b) tendencies shown by opinion polls; c) the way electoral contestants carries out their campaigns.

2003 local elections were equally political and administrative. In this respect of special relevance are elections results at the rayon level where party lists are voted. In 2003 Party of Communists (PC) rating slightly went down (PC ~ 48%), while that of the Christian-Democratic Peoples' Party went slightly up (CDPP ~ 10%) as compared to 2001 rating. As a rule voter turnout in local elections is about 10-15% lower, this partly explains rating fluctuations. 2003 local elections are a good reference point in estimating the potential of the Moldova Democrata Bloc (MDB). Parties members of the MDB gathered about 30%.

Opinion polls conducted by IPP every six months after 2003 elections showed no signs of overturn in the rating of political parties and their leaders. Therefore, the second stage of the campaign would be of crucial importance for the election outcome. In fact, apart from the three forces already mentioned, the other 20 electoral contestants may count only on a successful campaign that would allow them to pass the threshold of representation. However, this is quite a challenge.

3. Factors crucial for elections outcome

There are a number of factors that might influence elections outcome. The aforesaid pointed that Party of Communists' rating had reached saturation, especially since in 2003 it widely used the administration factor to swell its rating. On the contrary, major changes in domestic and foreign policies, or party modernisation, might have had a negative impact on the PC' rating; nevertheless the party managed to start the electoral race as a consolidated force, which in itself is quite an achievement.

Given that PC does not have political allies of considerable weight and that "party modernisation" has led to the emergence of "left opposition", the strategy chosen by Communists was to denigrate its main political foes and it was thoroughly carried out through public media, especially broadcasting in the last two years.

It's quite difficult to assess whether that strategy proved successful in bringing new voters to the Party of Communists, but it definitely succeeded in dispersing political forces. Under those circumstances, the safest bet the Communists could count on is to repeat their 2001 score. Back then out of the 28% wasted votes (by the contestants who failed to pass the threshold), PC received 21% of them after redistribution, i.e. 21 mandates in addition to the 50 ones earned directly.

As compared to the previous electoral race, four less contestants dared to run in elections. Still, this time 6 less parties/blocs would run in elections, i.e. fewer votes would be wasted and redistributed accordingly. Back in 2001, there were two other forces competing with Communists for the same electorate, Agrarian Democratic

Party and "Ravnopravie" Movement, and there weren't on bad terms with each other. The latter gathered only 2%. This time however, there are three players on the Communist territory, i.e. Russian-speaking voters. All three accuse PC of changing political course from pro-eastern to pro-western.

That course stems from several factors. In 2001 PC enjoyed the support of the Russian Federation, Transnistrian leaders and Russian Orthodox Church. However, right now things are quite opposite. Firstly, Russian State Duma haven't come with something wiser than threatening Moldova to introduce economic sanctions, because President Voronin had refused signing Kozak Memorandum on settling Transnistrian conflict. Even if far from being imposed, those sanctions could jeopardize the political stability of the country and tarnish the image of the ruling party. Secondly, the hostile attitude of the Transnistrian authorities towards PC might also influence the Russian-speakers vote, who traditionally vote for the Communists. Finally, Orthodox Church decided to refrain from interfering in the election campaign, albeit many of its heads wrote quite favourable articles about the ruling party in the state media.

Nevertheless, apparently PC estimated possible losses and has come up with ways to compensate them. PC's electoral offer was targeted mainly at pensioners (the most loyal and disciplined voters). PC did "political psychotherapy" on them, by raising their meagre pensions, providing a minimal package of medical services free of charge. None of the previous governings did that before. Secondly, PC kept the interests of rural population, which outnumbers the urban one, high on its agenda (gas supply, agricultural machinery). All of this might compensate the losses to some extent.

Yet another decisive factor is the "change" produced recently in Romania and Ukraine after elections. This might be a catalyst for RM. Christian-Democrats seized the momentum and chose orange as their colour in elections. Their leader, Iurie Rosca, recently said in an interview to "Nezavisimaia Moldova" that orange revolution was not imminent for Moldova, however if elections had been rigged, then they would have stood up.

The mere fact that President Voronin and the leader of the Communist faction in Parliament hosted press conferences and snorted in derision of the "corn revolution", shows that the very idea bothers the ruling party. Communist distress came to light when they attacked Coalition-2005 funded by western organisations to monitor electoral process. They accused the Coalition of partisanship in favour of Moldova Democrata Bloc and Tiraspol secessionist leaders. Curiously enough, Communists based their accusation on the fact that Coalition failed to report on alleged frauds committed by opposition, rather than being dissatisfied with the reported frauds committed by them. PC received a prompt response from western embassies and international institutions accredited to RM and had to back off.

The flack against Coalition might be explained by the fear that its reports would be used by opposition to justify their rallies. The funny thing is that, PC accuses Coalition-2005 of partisanship in favour of Moldova Democrata, while the rallies are led by Christian-Democrats; two rival political forces that would never reach common grounds, according to state media.

There are a number of factors that might have a surprising impact on election outcomes. However, one thing is for sure, refraining from rigging elections is the only solution for avoiding would-be instability.

Post-election reflections

Igor Botan, March 14, 2005

*Democracy and governing in Moldova
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1. Electoral campaign

There were serious shortcomings in the way parliamentary elections were conducted in the Republic of Moldova (RM) on March 6, 2005. Still, it is important that International Election Observation Mission - a joint undertaking of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly, the Council of Europe Parliamentary Assembly and the European Parliament - found that the "6 March parliamentary elections in Moldova were generally in compliance with most OSCE and Council of Europe commitments and other international election standards. They did, however, fall short of some key commitments, particularly regarding campaign conditions and media access, and in this respect, the negative trends noted already in 2003 local elections were confirmed".

US State Department reached the same conclusion, as did domestic observers monitoring elections as part of Coalition 2005.

In this respect it is worth citing the comment of the Russian Information and Press Department of the MFA "if we judge elections in RM by their transparency, then there are many doubts in this respect. During electoral campaign international community pointed to the use of administrative resources, biased election coverage by media, especially the state owned one. These conclusions could have been confirmed or infirmed by CIS observers, including those from Russia, but Chisinau didn't welcome their presence. It may be that RM authorities had something to hide if they acted in such a manner, resorting even to arrests and deportation of representatives of human rights NGOs, mainly Russian citizens, who legally wanted to join their colleagues from other countries in observing elections.

There were numerous violations registered in the voting procedures. A huge number of Moldovan citizens abroad were practically denied the right to vote, which is granted by the Constitution of the RM. Out of the several hundred thousands Moldovans working in Russia only about a third were able to cast their ballot. This was also true for RM citizens residing in Transdnistria.

Unfortunately, international observers did not take notice of those facts. This is yet another evidence of the double standards, practice that should be ended by means of developing single criteria for monitoring elections, regardless of where they are held". Undoubtedly, the aforesaid commentaries as well as those voiced by electoral players would have a considerable impact on the political stability in RM, or the lack thereof. In the election aftermath, while the Parliament governing bodies are elected, Government is appointed, and the President is elected by the Parliament - old hostilities would surface as would the new ones generated by the manner in which electoral campaign was conducted.

2. Election results

According to the CEC, 1 576 203 citizens out of the total 2 430 537 entitled to vote took part in elections, i.e. 64.84%. About 7% of the voters were included in the supplementary lists.

To compare, in 2001 parliamentary elections the voter turnout was 67.5%. Then 1 607 095 voters participated in the elections (30,000 more), while only 5.5% of the voters were included in supplementary voter rolls.

Noteworthy, this time 53,429 more citizens were included in the voter rolls, while the voter turnout was 3% lower.

The difference between the number of ballots issued to the citizens and the number of ballots in ballot boxes was 124, while in 2001 it was 392. The number of invalid ballots reached 18,251 i.e. 1.16% over 19, 446 (1.21%) in 2001.

As a result of March 6 parliamentary elections only three out of the twenty three contestants passed the threshold of representation - Party of Communists, Moldova Democrata Bloc, Christian-Democratic Peoples' Party. The rest 20 contestants who failed to pass the threshold were cast 16.42% votes that would be redistributed to the former three according to the d'Hondt formula. For comparison, 28% of the votes were redistributed in 2001 parliamentary elections.

- a. **Party of Communists (PC)** garnered 716,336 votes, i.e. 45.98%. The redistribution of the 16.42% votes brought 10 extra mandates to the Party of Communists. Therefore it would have 56 out of the 101 seats in Parliament, thus securing its victory in elections. Hence, Communists would be able to elect Parliament governing bodies and appoint the Government on its own. Still, this performance fades when compared to their landslide victory in 2001 when the 50.07% votes brought them 71 seats in Parliament, 15 more than this time. Therefore, Communists would no longer be able to change the Constitution single-handedly (for which they would need 68 mandates - 2/3 of the deputies), nor would they be able to elect the President (61 mandates needed - 3/5 of the deputies). Those two factors would force Communists to the negotiation table with other Parliament factions.
- b. **Moldova Democrata Bloc (MDB)** was cast 444,377 votes, i.e. 28.53%. After redistribution according to the same d'Hondt formula it got 34 seats. Albeit the scepticism voiced by some of its members, MDB could be proud of such a result. The mere fact that it brought together three different players (Moldova Noastra Alliance, Democratic Party and Social-Liberal Party) that in their turn brought together other 15 smaller parties reduced to a great extend the number of wasted votes from 28% in 2001 to 16.42% in 2005.
- c. **Christian-Democratic Peoples' Party (CDPP)** garnered 141,341 votes, i.e. 9.07%. After redistribution it got 11 seats, the same number as in the previous legislature.

Albeit grumbling about their results on the grounds they didn't compete on a level playing field, still CDPP confirmed the tendency of slow but steady increase in their rating. This time they got 10,000 more mandates, i.e. 0.8%.

d. **Parties/ blocs that failed to pass electoral threshold** were cast 15.5% votes. One may classify them in three groups:

1. Parties/blocs headed by more or less known figures and having more or less considerable sums to venture in electoral race. Among those are: Social Democratic Party (2.95%), Party of Socio-Economic Justice (1.66%), Peasants' Christian-Democratic Party (1.37%) and Centrist Union (0.75%). Those players had quite consistent electoral offers, some of them were quite good actually. Social-Democratic Party and Peasants' Christian-Democratic Party managed to conduct very active electoral campaigns, at times even aggressive, however the "useful vote" phenomenon that determined many to vote for "players standing real chances" to pass the threshold, has stolen many votes from them.
2. Parties/blocs that exploited the so-called "ethnic vote". This specifically refers to "Patria-Rodina" Bloc (4.97%), "Ravnopravie" Movement (2.83%) and "Patria-Rodina" Labour Union (0.92%). Albeit each of them ran separately they had anti-western, pro-Russian, and pro-Transdnistrian message. They all directed their firepower at the leader of the Party of Communists, Vladimir Voronin, for his alleged change in the foreign policy vector from a pro-Russian to a pro-Western one and for keeping Transdnistria under an economic and political blockade. In the previous elections such parties did not gather more than one percent. This time, however, altogether they gathered 8.72%, on top of that, they had a landslide victory in the regions populated by national minorities, previously the Communists territory.
3. Republican Party has made itself conspicuous by gathering only 592 de votes (0.04%), that is only 10% of its own members voted for it.

e. **Independent candidates** altogether got 14,676 votes, i.e. 0.94% of the total valid votes cast. For comparison, in 2001 independent candidates gathered 2.29%; in 1998 - 5.63%; in 1994 - 2.54%. "Useful vote" has undoubtedly robbed the independents of victory, not to mention the electoral threshold - 4% in 1997 and then lowered to 3%.

The performance of independents has been weaker and weaker. In this campaign, for instance, the only thing four of them did to make themselves known was to give up their free air-time for a campaign aimed at denigrating CDPP.

3. Parliament sociological profile

It is worth mentioning several peculiarities in the sociological profile of the Parliament. For a start, there are 18 non-party members among the would-be deputies. This is a positive sign for those who defend the interests of the so-called non-party candidates. Secondly, the number of women deputies hit a record high 21 mandates.

This campaign has also confirmed some of the tendencies registered in the previous elections: a) 1/3 of the Parliament membership remains the same; b) 2/3 of deputies come from Chisinau and the regions remain again under-represented. The table below features other data, especially on their profession (as indicated by them in the documents submitted to CEC).

Factions	PC	MDB	CDPP	Parliament as a whole
Number of members	56	34	11	101
Non-party members	15	1	2	18
Average age	52.7	48.1	45.9	50.4
Number of women	11	5	5	21
Residing in Chisinau	31	27	9	67
Residing in Centre rayons	7	4	2	13
Residing in North rayons	13	3	0	16
Residing in South rayons	4	0	0	4
Residing abroad	1	0	0	1
Officers of the central government	13	0	0	13
Deputies in the incumbent Parliament	24	7	3	34
Mayors	3	2	0	5
Officers of the local government	4	4	1	9
Economists	12	9	0	21
Lawyers	9	5	1	15
Political scientists	11	6	0	17
Managers	2	4	1	7
Diplomats	2	0	0	2
Engineers	23	12	2	37
Agronomists	4	0	0	4
Teachers	10	5	2	17
Historians	2	4	1	7
Journalists	0	1	5	6
Doctors	3	1	0	4
Philologists	0	1	0	1

Trade unions	1	1	0	2
Directors of joint-stock companies	2	4	0	6

I. Revolution vs. evolution

1. Premises for “orange revolution”?

The March 6 parliamentary elections in Moldova did not become a catalyzer of an “orange revolution” aimed to eliminate the “red spot in the orange ocean”, in spite of the many statements and expectations. The initiative of “change” or “orange revolution” launched by the Christian Democratic People’s Party (PPCD) stemmed from the example of Ukraine or that of Romania from December 2004.

There were a number of factors that made many national and international observers presume that the PPCD would prefer the Ukrainian version of change:

- a. to create advantages for itself the ruling party committed a number of abuses in the pre-election period, during electoral campaign and even when it established the election date, provoking retaliation measures of the opposition;
- b. the opposition, in particular the PPCD, reacted to abuses of the ruling party, adopting a suggestive conduct (the electoral symbols and messages) which rather invoked an Ukrainian-style “change” (orange colour and the main electoral poster featuring PPCD leader Iurie Rosca and the leader of the Ukrainian revolution, Viktor Yushchenko) etc.;
- c. with one month and half before elections, PPCD received the permission from Chisinau Mayoralty to organise non-stop rallies of the voters for two weeks immediately after the March 6 scrutiny, and this was interpreted as an intention to follow the Ukrainian scenario, though PPCD leaders promised to turn the meetings with voters into protests only if the authorities gerrymander the results of elections;
- d. several political parties participating in the electoral campaign, including the Democratic Moldova Bloc (BMD) and the Social Democratic Party (PSD) said or hinted that they would support eventual post-election rallies PPCD against conduct of elections.

2. Why the “orange revolution” did not take place?

Nevertheless, “orange revolution” never happened. Local mass media and observers invoked a number of explanations in this regard:

- a. Moldova has specifics which differentiate it from Ukraine and Romania, here abuses and anti-democratic skidding took place on background of a very high rating of the ruling party. The explanation for the high rating is that the Party of Moldovan Communists (PCRM) returned to the power in 2001 after a series of political, economic and financial crises provoked including from outside, and its comeback took place on background of a relatively favourable political and economic context, both internally and externally.

The PCRM had successfully used this context, with the price of renouncing its own ideological principles. It managed to maintain and even improve somehow the social-economic situation. On the other hand, the opposition failed to persuade the most of citizens that a communist government is conjugated with essential “lost opportunities”. Such efforts had no chances of success, as the absolute majority of Moldova’s population, particularly in villages, has no other relatively satisfactory social-political experience but the communist one. In addition, the ruling party had built the “vertical of the state power” and took over the control on key mass media with quasi-total coverage of Moldova’s territory. Under these conditions, a wide and lasting support of citizens for opposition-held protest demonstrations was impossible;

- b. initiatives on foreign policy launched by President Vladimir Voronin in full electoral campaign made the opposition, especially the PPCD, recognise that they aim to fulfil the “national interest”. The visit of Romania’s President Traian Basescu to Chisinau, with one month and half before elections, at the initiative of his Moldovan counterpart Vladimir Voronin, brought hopes that the Moldovan-Romanian relationship would be improved. The visits of President Voronin to Kiev one week prior to elections for a meeting with President Viktor Yushchenko, and of Georgian President Mikhail Saakashvili to Chisinau a day later were regarded as a reply to abusive meddling of the State Duma of the Russian Federation in Moldovan elections and its threats to introduce economic sanctions against Moldova, as response to the “economic blockade” that the latter set up against the Transnistrian separatist regime. The talks between President Voronin and his Ukrainian and Georgian counterparts focussed on the following topics: struggle against separatism; diversification of energy sources; rebirth of GUUAM for a joint settlement of regional problems; coordination of efforts for European integration; convocation of the GUUAM summit in Chisinau on April 22, 2005. All these facts could not remain without a positive echo in appreciations of the PPCD. In this regard, the PCRM chairman attracted one part of the “revolutionary” aura of leaders of “rose” and “orange revolutions”;
- c. international observers described the March 6 parliamentary elections as “were generally in compliance with most OSCE and Council of Europe commitments and other international election standards. They did, however, fall short of some key commitments, particularly regarding campaign conditions and media access” Thus, formal reasons for protests, the way it happened in Georgia and Ukraine, were almost absent;
- d. with about one week before elections, the PPCD, as the “engine” of the eventual “orange revolution”, hinted that it could not hold protests, if no massive frauds are registered on election day. PPCD said that certain circles in the Russian Federation and Transnistria, which brutally meddled in the electoral campaign in Moldova, intended to use the “peaceful manifestations” in order to infiltrate agents and to challenge the authorities and protestors to a “bloodshed”, in a move to compromise both the authorities, and the PPCD in favour of a “third pro-Russia force” ready to resume the negotiations with the Transnistrian leaders. Under these conditions, PPCD refused to see its supporters, participants in protests becoming “cannon fodder”.

PPCD allusion to the BMD was far too obvious, which, the first said, became the favourite of certain Russian political circles aimed to replace the PCRM as the main pro-Russia political force in Moldova. In this respect, PPCD invoked as evidence the support of Moldovans who created the Patria-Moldova Association in Moscow, with the assistance of Russian authorities, as well as the invitation of Transnistria's authorities to citizens in the breakaway enclave to elect the BMD. In addition, BMD leader Serafim Urechean said that the Communists massively used the visits of Basescu and Saakashvili to Chisinau and of Voronin to Kiev, and this was a meddling in country's interior affairs. BMD leader was "disappointed over verdict of foreign observers who said that the elections were generally in compliance with most of European democratic standards," and underlined that "the West backed the PCRM because it likes its assaults on Russia." These statements of the BMD leader make a wonderful correlation with declarations of the Russian Foreign Ministry, which accused the international observers of "using double standards" in judging Moldovan elections.

3. Does the "orange revolution" has any substitute?

From the very beginning there were not too many optimists over a "change" in Moldova through opposition's victory at elections, the way it happened in Romania. The statements of PPCD leader Iurie Rosca served as evidence in this regard, as he said with about one year before elections that the future parliament will be "of transition" and the "minimum goal" of opposition was to garner at least 41 mandates in order to block up the election of president, who needs 3/5 of votes of parliamentarians, and to provoke early parliamentary elections this way, in line with Constitution.

The "minimum goal" was fulfilled after elections — the PCRM garnered 56 mandates compared with 45 mandates of opposition. Perhaps this was one of arguments why no protests took place. There is no doubt that PPCD treated this version with much seriousness. A year ago, the parliamentary faction of this party had worked out and proposed to the parliament for examination a draft amendment to the law on election of Moldovan chief of state, so that the new legislature will elect the president. Otherwise, the PCRM would not face any problems, the old parliament in which it holds 71 mandates could elect the chief of state which mandate expires on April 7th without any special problems, and in the newly elected Parliament PCRM holds enough mandates in the new legislature to choose the parliament's administration and to name the executive.

Thus, the new elections, which the opposition in Georgia and Ukraine obtained through "revolutions", can take place in Moldova on a constitutional way, if the opposition blocks up the election of the chief of state. However, such a scenario could be avoided if the PCRM and the opposition negotiate a compromise, which certain analysts have already described as a possible "change" or "orange evolution" in Moldova. Anyway, this version is better than the ongoing one in Kyrgyzstan, especially because the PCRM gave up the own communist principles and declares goals which are absolutely compatible with purposes of opposition.

II. Stability vs. destabilisation

1. What are the possible “developments”?

President Voronin told a news conference immediately after the March 6 elections that the PCRM would not make up any coalitions with any of the two opposition parties. He was sure that it would not be a big problem to attract the missing five votes of opposition parliamentarians for the election of the president, making very transparent allusions that such actions happened in the precedent parliament as well. The chief of state called on the “civic spirit” of opposition lawmakers who will have to participate in election of the new president of Moldova.

It seems that this is the simplest and most natural approach of the problem. The negative side is that opposition leaders regarded this attitude as a proof that the PCRM is ready to resort to “blackmail” and “political corruption” in order to accomplish its own interests. As a result, both the PPCD, and the BMD said publicly that their factions would not participate in the elections of the chief of state and they would provoke early parliamentary elections this way.

These standpoints demonstrate very clearly three possible scenarios of developments following the parliamentary elections: blocked election of the chief of state and provocation of early parliamentary elections; “purchase of votes” from opposition by PCRM, so that to ensure support for election; negotiations between the ruling party and the two factions of the parliamentary opposition.

2. Blocked election of the chief of state is probably the worst version. It can be implemented if the PCRM gives up negotiations with the other two opposition factions which remain consolidated in turn and do not participate in election of president or vote against the Communist candidate, if they take part in voting.

The PCRM faction holds 56 mandates, but it needs 61 mandates to elect the chief of state. Under Article 78 of Constitution, the Moldovan president is elected in two rounds and a candidate must garner at least 3/5 of votes of parliamentarians. Repeated elections take place if the lawmakers fail to choose the chief of state. If the chief of state is chosen nor at repeated elections, the acting president dissolves the parliament and announces early parliamentary polls.

Perhaps the early parliamentary elections could seriously destabilise the political and economic situation in Moldova. There are several factors which could turn the early parliamentary elections into an adventure with sad perspectives:

- **The opposition could face the following negative effects:**
 - a. political convictions and sympathies of Moldovan electors are based on a high inertia level and therefore no significant changes but in situations of acute social-economic crisis could be expected;
 - b. the most of Moldovan citizens would not like the idea of early parliamentary elections because this event would be interpreted as an impermissible luxury in “the poorest state in Europe”;
 - c. the opposition will hardly explain to citizens why it had blocked the election of the chief of state and provoked early parliamentary polls, since the international observers described the March 6 scrutiny as

generally in compliance with the international standards. As a result, this could have a negative impact on participation of citizens in voting without knowing who would benefit from an eventual lower participation of electorate the most;

- d. the Moldovan opposition could not be sure that the early elections would bring the effects of the Georgian “rose revolution” and Ukrainian “orange revolution”. Georgia and Ukraine held repeated elections after street protests against results of gerrymandered elections. The courage to contest the abuses committed by authorities during elections, indicated in reports of international election monitoring missions, consolidated the electorate of protest leaders from these countries who also gained the sympathy of supporters of weaker parties and leaders, as well as of irresolute voters;
- e. there is no doubt that the propaganda machinery of rulers would be restored to exploit the “irresponsibility” of opposition and the lack of “civic consciousness” of its lawmakers at maximum. This propaganda machinery would explain to citizens that early elections were provoked artificially in spite of the fact that the international observers regarded the elections in Moldova as in line with the international standards, in spite of big reservations;
- f. the reactions of the international community would unlikely favour an early parliamentary scrutiny. Russia would evidently be an exception, as it hinted through its Foreign Ministry that the Moldovan elections were faulty, and this means that it could meddle more significantly in an eventual early scrutiny in order to influence a result favourable to its interests.

In principle **PPCD** should not be afraid of early parliamentary elections. This party has a stable and aware electorate which would give the same percent of votes at an early parliamentary scrutiny. The recent parliamentary elections confirmed the tendency of a stable but very slow growth of rating of this party in spite of very bitter assaults on the party, which would be regarded as impermissible in an honest campaign. Even more, the PPCD demonstrated that not the so-called “little drive horses” choose the electoral fate of the party, an argument invoked by certain observers regarding the support the party won thanks to Ilie Ilascu at the 1994 elections, to Mircea Snegur in 1998, and to Nicolae Alexei in 2001, but by contrary creates new opportunities alone. The insistence of the PPCD created the situation when the old parliament could not elect the chief of state. Also, these factors show that there are no reasons for exaggerate optimism regarding the electoral chances of the PPCD at an eventual early parliamentary scrutiny. Its score would rather be similar to the recent one, but the party would use up a lot of energy and financial resources.

The **BMD** cannot have a clear perspective to improve its electoral score in case of eventual early parliamentary elections. First of all, the three components of BMD (Our Moldova Alliance, Democratic Party and Social Liberal Party) had different visions regarding a number of strategic issues and the need to provoke early parliamentary elections. Secondly, the mass media non-affiliated to the BMD is abundant of reports that the BMD parliamentarians have been threatened in order to maintain their post-electoral

cohesion (as some of them could be “bribed” or “corrupted” by PCRM) and to make them refuse the participation in election of the chief of state. The PPCD leader asked their BMD opposition colleagues why they introduced in their list of candidates people who can cede to blackmail and corruption? This could have the worst consequences for cohesion of the bloc. Thirdly, the BMD said that it welcomes other parties which did not succeed the electoral threshold on March 6, and this could challenge suspicions among elected parliamentarians of this bloc. Certain lawmakers who were recently elected in the list of BMD could rather “enter the same river twice” than the list of BMD candidates. Fourthly, the BMD would become the main target of assaults of PPCD and PCRM at eventual early parliamentary elections, which would accuse it of being the favourite of “revengeful circles” in Moscow and Transnistrian separatists. Under such conditions, a better electoral race than at the March 6 elections would be hardly expected.

- **The negative effects of early parliamentary elections will particularly hit the PCRM:**
 - a. in an eventual propaganda duel between the opposition and the ruling party on conduct of early elections the first could provide plausible arguments in favour of these elections. Firstly, the recent electoral campaign took place with grave violations related to introduction of the so-called “vertical of the power”, which fueled the use of “administrative resources”, setup of a control on public mass media, justice, etc. Secondly, the PCRM garnered by 15 less mandates at the recent parliamentary elections, winning less than 30 percent of votes of Moldovan citizens included in electoral lists. Therefore, the chance of the PCRM to elect the own candidate as chief of state besides the right to choose the parliamentary administration and to create the cabinet of ministers is not justified. By contrary, the election of a PCRM candidate as chief of state would mean conservation of the “vertical of the power” — the object of the fight of opposition in the past four years. Even more, “the vertical of the power” is in an obvious contradiction with the strategic purpose regarding the entry in the European Union, posted by the PCRM itself, and therefore it must be disconcerted;
 - b. abusive involvement of foreign factor in Moldovan elections had completely developed when the State Duma of the Russian Federation passed three decisions on Moldova on the eve of the March 6 scrutiny and in only two weeks, threatening to introduce an entire range of economic and political sanctions. Waiting for eventual early elections, the State Duma is ready to maintain the tense relations with Moldova, demanding the Russian government “to unveil concrete proposals” regarding the introduction of economic sanctions against Moldova. Russian press reports described the involvement of Russian authorities in the recent elections in Moldova as an unsuccessful one. Therefore, the organisation of early elections would offer an opportunity to Russian authorities to take revenge;

- c. waiting for eventual early elections, the Transnistrian separatist authorities have already resorted to very dangerous provocations such as the recent assault of Transnistrian military on the Vasilievca village and the storming of the telecommunication station in this settlement. The PCRM would be responsible for any crisis situations, regardless of the sources of provocations and destabilisation, because it rules the country;
- d. testing the eventuality to garner more votes, the PCRM runs the risk to lose more mandates because the number of votes lost by parties which cannot succeed the electoral threshold would dramatically decline. Firstly, the most of competitors who did not succeed the electoral threshold would not take part in elections because their participation is useless. Secondly, the three pro-Russia, pro-Transnistria, anti-West and anti-PCRM parties (two Patria-Rodina parties and Ravnopravie) would probably merge to participate in the parliamentary scrutiny with one list of candidates. The recent elections demonstrated that they could garner together up to ten percent of votes of electors, and this may make the leaders of these parties forget the differences which separate them. In addition, if the three parties merge, they have more chances to attract one part of electoral of the PCRM than vice versa;
- e. the PCRM would have to persuade three, not two parties after early elections to participate in election of the chief of state, and the situation would worsen because all the three parties would be in very bad relations with the PCRM, while one of them would even be in extremely antagonistic relations. This could have dramatic consequences for unity of the PCRM;
- f. following is the conclusion of all the facts mentioned above: the early parliamentary elections would be the riskiest for the PCRM. The opposition parties could lose several mandates, but they would remain in opposition anyway. Instead, the PCRM could be to blame for destabilisation of political situation and could lose the opportunity to keep the power. Thus, the PCRM should be afraid of early elections the most, while the opposition should seize this situation in order to obtain the democratisation of society by disconcerting the “vertical of the power” and ensuring some adequate conditions for activity of opposition.

3. “Buying votes” by PCRM seems to be the most likely solution, and it could be implemented if the PCRM “persuades” a part of opposition parliamentarians to support its candidate by calling on “civic consciousness”, no matter if leaders of opposition factions decide not to participate in election of the chief of state or decide to vote for an alternative candidacy.

The PPCD does not have the minimum number of 15 lawmakers to propose its own candidate, and therefore it could do what it had done at the 2001 elections: not to participate in voting. It is hard to say under what conditions the PPCD would participate in election of the chief of state, in absence of a consensual candidacy, once it had maintained and continues to maintain an anti-communist rhetoric.

On the other hand, forgetting what it had earlier said, the BMD stated that it could participate in the presidential elections in case of a non-communist or own candidate. Thus, the key decision to participate in the secret voting, which offers the opportunity to BMD parliamentarians to vote contrary to what their leaders say, though the latter announced that “the BMD lawmakers had assumed moral obligations not to elect a communist candidate,” is important.

Therefore, the effort of the PCRM to “buy” at least five votes from opposition seems to be meaningful. However, this solution could have very risky consequences, in particular, to challenge eventual crisis situations later:

- a. The PCRM is being “modernised” in line with an order of its leader Vladimir Voronin. The PCRM avoided the “modernisation” at the December 2004 congress, in order to shun an eventual splitting before electoral campaign. On the other hand, this successful tactic at a first glance could mean that the list of candidates of PCRM, as well as the “Trojan horse” have brought the danger of an eventual outside splitting inside of the new faction of PCRM. Thus, the former “monolith” of the Communist parliamentary faction could challenge dangerous cracks including in the polling booth during the secret election of the chief of state. “Fishing votes in the dim relations of opposition,” the PCRM could see how one part of its lawmakers could disappoint it. Indeed, a number of analysts believe that the PCRM leader had included only loyal or controllable persons in the list of candidates. However, such a scenario could not be excluded since the PCRM is not anymore a political organisation based on an ideology which moulds clear references of internal and external policies. The only trump of the PCRM, which holds the crew of party altogether, is the charismatic image of its leader who enjoys the biggest trust and support of Moldova’s citizens and demonstrated that he can ensure a victory at elections. However, the PCRM leader had become the target of assaults of certain political circles and mass media in the Russian Federation. The intensity, periodicity and coherence of these assaults aim to persuade one part of Moldovan public opinion, especially the so-called Russian-speaking citizens, that Vladimir Voronin is allegedly promoting an “anti-Russian” policy.
- b. “buying votes” of certain opposition lawmakers would dramatically undermine the opportunity of principle of a conciliation with the PCRM for promotion of the “national interest”, even if the latter would successfully finish its announced “modernisation” by accepting a new name. This way, the proverb “the wolf sheds his fur but not his nature” would become true. The PCRM would lose the credibility which could be very useful when it could invoke the need to join the forces in order to fulfil the “national interest”, especially for eventual continuation of foreign pressures from the Russian Federation. The reforming wing of the PCRM should think about the need to “ensure shelter” in case the PCRM would split under pressures of foreign circles, since the director of the CIS Institute, Constantin Zatulin, member of the State Duma of the Russian Federation, had said that “Russia will make those who do not love it at least to respect it.” Obviously, the Russian politicians understand the love for Russia as love for what they like, including the Transnistrian regime. President Voronin “does not love” the Transnistrian regime and therefore he was libelled as anti-Russian politician and he could be obliged to “respect Russia”, which will continue to threaten with “economic

sanctions”. This happens in spite of the fact that Voronin “loves” Smirnov much more than, for example, Putin and Russian politicians “love” Yandarbyev and Mashadov. This is not an use of double standards, this is only an irrational “love”;

- c. the recent developments related to arrest of former defence minister of Moldova Valeriu Pasat, former director of the domestic security service SIS in the acting cabinet of ministers of Premier Vasile Tarlev, and advisor for the Russian giant RAO “EES Rossii” manager, Anatoli Chyubais, on March 11, with a couple of days after elections, as well as the arrest of some people who had reportedly bribed functionaries of the Chisinau City Hall, are regarded as attempts to split and isolate the BMD components and BMD leader Serafim Urechean. Chisinau Mayor Urechean is being accused of participation in grave corruption-related actions and abuses for three years. In spite of lots of accusations and arrests of a number of city hall functionaries, the justice did not receive any evidence of his guilt. Urechean voiced his claim to replace Vladimir Voronin in the presidential post during the electoral campaign. Press reports affiliated to the ruling party said that Valeriu Pasat was an organiser of the Patria-Moldova organisation of Moldovan internationals in Russia, which openly supported the BMD. Even more, it was presumed that Pasat was a contact link between Urechean and Russian circles which supported the latter. It is difficult to indicate the truth and gossip in this situation, but President Voronin said on March 1, 2005 in an interview with the 35th issue of the Moscow-based publication: “We hold information that certain forces in Russia prepare an attempt against me, as they do not like a person who brings closer the Transnistria settlement through his efforts.” That’s why the arrest of the former SIS head arouses a special interest and the arrest of Pasat and electoral developments in Moldova seem to be very coincidental. Eight years had passed since Pasat, as defence minister of Moldova, had carried out the transaction related to the sale of 21 MIG-29 aircraft from the National Army’s patrimony to the United States. Two special parliamentary commissions had investigated this issue since then, while the Moldovan authorities said that they have no pretensions against the U. S. This case is so confused that conclusions could be wrong. However, this case had irritated more certain influent circles in Russia and the splitting of BMD and attraction of a number of votes by PCRM are risky, and a more lasting solution is required.

4. Compromise — an ideal version?

However, an ideal but unlikely version is possible. Paradoxically, the existing situation offers an extraordinary chance both to the opposition, and to the ruling party not to slip to an eventual impasse with unfavourable consequences for Moldova. Even more, a solution could be found to a number of strategic problems faced by Moldova by accepting the so-called “national consensus”. An eventual compromise should strengthen the democracy and develop the European integration process.

There are premises for such a solution. All the three parties which succeeded to the newly-elected legislature had almost the same offers in their electoral programmes: development of economy on basis of market principles; improvement of social assistance, creation of new jobs, higher salaries; European integration. These parties

could get rid of antagonistic enmities if their leaders accept to judge their political adversaries on basis of facts, not on basis of stereotypical tags used for mutual defamation propaganda purposes. Evidently, guarantees against eventual anti-democratic skidding are absolutely needed.

It seems to be an illusion that the opposition parties and PCRM could create a “government of national unity”. The PCRM garnered enough mandates to rule alone. The opposition parties should announce very clearly their conditions for participation in the election of the chief of state. These conditions could be based only on very clear values and arguments, so that the ruling party, international organisations and common citizens of Moldova could understand them. This is necessary, so that the opposition parties which care about their image and want to influence the political life in Moldova in continuation, keeping the perspective to reach the power at further campaigns, be able to provide convincing arguments why they gave up their intention to block up the presidential elections.

These are:

- a. insistence on election as chief of state of a person who is not member of any party or would commit himself to stop such a quality immediately after election in this post. There are several arguments in this regard. Firstly, the Constitution of Moldova says that the Moldovan president represents the state and guarantees the unity of the country. The spirit of constitutional norm saying that the chief of state is elected with the vote of qualified majority of “3/5 of the number of elected parliamentarians” indicates to the “compromise nature of the chief of state.” Voting in this case is a simple affirmation of the compromise between parliamentary factions.
Secondly, the constitutional competences of the chief of state, as well as the tasks provided by law, are wide enough, and require their fulfillment for the “national interest” alone. Thus, the chief of state holds exceptional constitutional competences in the areas of foreign policy, defence, appointment of chairmen and deputy chairmen of courts, etc. The state security law names the chief of state as head of the Supreme Security Council, which brings together all the law enforcement bodies of Moldova. The law obliges all these institutions to fulfil their tasks on basis of political non-partisanship principle. Or, the presidential experience of the past four years of Vladimir Voronin had demonstrated the danger of anti-democratic skidding when the chief of state is also a party member: creation of the vertical of the state power on structure of the PCRM; participation in the 2003 local elections in favour of the Communist candidate and against other bidders, etc;
- b. the opposition parties should negotiate the compromise on participation in the presidential elections through agreement of the ruling party to accept the revision of normative documents aimed to ensure the independence of justice and mass media, local public administration, etc. Indeed, the election of a chief of state who is not member of any party would be a guarantee in this regard, as the president has the right to veto and the right to legislative initiative;
- c. the opposition should try to persuade the PCRM to accept an appeal to the Constitutional Court to find out whether the chief of state can be party member. The PPCD had requested the Constitutional Court in this regard four

years ago, but the latter turned down its appeal saying that this issue does not rest with its competence. On the other hand, the Constitutional Court, as political-juridical institution, had demonstrated that it accepts to examine the appeals of lawmakers in dependence of political juncture. As for example, the Constitutional Court had accepted three appeals on terms of enactment of laws, decisions of the cabinet of ministers, parliament, but it refused to pass a decision on enforcement of the scandalous parliament decision on date of parliamentary elections. Thus, the support of the PCRM for examination of the political-juridical problem regarding the party membership of the chief of state is very important. So, the Constitutional Court could decide to pass a decision on this problem, in particular, because the problem of election of the chief of state permanently generates political crises after amendment of the Moldovan Constitution in 2000, if no party holds the needed 3/5 majority, and this happens not too often.

A court ruling in this regard would be a guarantee that the chief of state would moderate the political processes with participation of political forces with their typical interests. A consensus on this issue would be the appearance of a minimum mutual confidence between political forces, which would call on the need to join the efforts in order to accomplish the “national interest” in case of crisis.